

REMARKS

By this amendment, claims 1 and 11 have been amended, and claim 3 has been cancelled, having moved the limitations thereof into claim 1. The allowability of claims 15 and 16 is noted, as is the withdrawal of claim 9-10 and 17. However, while Applicant understands the argument under 37 C.F.R. §1.142 (b) as to claim 17, further clarification is requested with regard to claims 9 and 10, given that they ultimately depend from claim 1, and are therefore linked to that claim.

Given that the limitation of claim 3 has been moved into claim 1, Applicant will address the rejection under 35 U.S.C. §103 (a) over Weitzman or Hart, Jr. in view of Cattaneo, Kawai et al. or Venegas, Jr. Since claims 1 and 11 have been amended to positively recite a top which rests on the generally horizontal base members, it is believed that the Hart, Jr. reference should be removed from consideration. Applicant further contends that claim 11 is amended and newly added dependent claim 18 are allowable, in that the use of a glass top is clearly precluded by the Weitzman reference, which sets forth a work table with an integral top that clearly teaches away from the use of glass.

Returning to the rejection of claim 1, the Examiner states that the only difference is that sheathing does not surround each of the tubular members and since Cattaneo or Kawai et al. or Venegas, Jr. teach replaceable sheathing such members, it would have been obvious to modify Weitzman or Hart, Jr. Applicant respectfully disagrees. Although Cattaneo et al. does reside in a table leg with sheathing, it is a table leg alone, with no reference or suggestion to a collapsible table, including a top. Kawai et al. is not directed to a table at all, but rather, simply teaches that a steel pipe may be sheathed with conductive plastic resin, not for any esthetic reason, but more for a functional consideration. Finally, Venegas, Jr., the same Applicant as the subject matter of the instant invention, teaches the use of plastic-covered members, but not for tables. As such, it is Applicant's position that the Examiner has failed to establish *prima facie* obviousness.

It is well settled that to reject claims under 35 U.S.C. §103, the Examiner must provide a reason why one having ordinary skill in the pertinent art would have been led to combine references to arrive at Applicant's claimed invention. Moreover, there must be something *in the prior art* that suggests the proposed modification, other than the hindsight gained from knowledge that the inventor choose to combine these particular things in this particular way. Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988).

The Examiner is further required to make specific findings on a suggestion to combine prior art

references. In Re Dembeczak, 175 F.3d 994, 1000-01, 50 USPQ2d 1614, 1617-19 (Fed. Cir. 1999). In this case, there is no teaching or suggestion whatsoever in Weitzman or Hart, Jr. to include plastic sheathing, nor is there any teaching or suggestion in Cattaneo, Kawai et al., or Venegas, Jr. to build a collapsible table using tubular members that are covered with plastic. According, *prima facie* obviousness is precluded. But in addition, as discussed above, even if the combination proposed by the Examiner were legitimate, Applicant's claimed subject matter would not result, since claims 1 and 11 specify a top which rests on a plurality of generally horizontal members supported by a base, and claim 11 further includes that the top is glass.

Based upon the foregoing amendments and comments, Applicant believes all claims are in condition for allowance. Questions regarding this application may be directed to Applicant's below-signed representative at the telephone and facsimile numbers provided.

Respectfully submitted,

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VERSION WITH MARKINGS SHOWING CHANGESIN THE CLAIMS:

1. (Amended) A collapsible table, [base for supporting a table top in a generally horizontal position above a generally horizontal floor, said table base] comprising:

a table base top portion disposed in a generally horizontal plane, the top portion comprising a plurality of releasably interconnected horizontal members for supporting the table top thereon;

a support portion for supporting the table base top portion in the generally horizontal plane, the support portion comprising a plurality of elongated members releasably interconnected to one another, the elongated members including leg members having lower ends for engaging the floor; [and]

removable structural fittings releasably interconnecting the table base top portion and the support portion so as to form a generally rigid base[.]; and

replaceable polymerized sheathing surrounding each of the horizontal members and each of the elongated members, the sheathing having an inner diameter equal to or greater than the outer diameter of the members.

11. (Amended) A collapsible table, [base for supporting a table top in a generally horizontal position above a generally horizontal support surface, said table base] comprising:

a glass table top;

four spaced apart generally vertical legs each having a lower end configured to contact the support surface and an upper end, each of the legs having a height and an outer diameter;

replaceable polymerized sheathing surrounding each of the legs, the sheathing having an inner diameter equal to or greater than the outer diameter of the legs;

a plurality of spaced apart horizontal rails for supporting the table top thereon, said horizontal rails interconnected with the upper ends of the legs, each of the horizontal rails having an outer diameter and a length; and

replaceable polymerized sheathing surrounding each of the horizontal rails, the sheathing having an inner diameter equal to or greater than the outer diameter of the horizontal rails.